

Chairman James Henderson called the meeting to order at 6:31pm at the Harpswell Community TV Studio on the Mountain Road. Henderson introduced the members present: Roland Weeman, John Papacosma (Vice Chairman), Howard Nannen, Linda Toothaker, and associate members Robert White and Don Rogers. Planner Tony Dater and Debora Levensailor, Planning Assistant were also present.

The agenda was published in “The Times Record” on May 9, 2001.

The Board reviewed the **minutes of the May 16, 2001 meeting**. Weeman moved to accept the minutes of May 16, 2001 as corrected as requested by the Board. Toothaker seconded. **Carried 5-0.**

Frank Kibbe, Great Wings Marine, L.L.C., Tax Map 48-48: Mr. Kibbe presented his case to the Board. He wants to add ten moorings to his business. Henderson asked Dater if he thought the application was complete and Dater said yes, but one of the waivers, 14.2.2 (surveyor signed/sealed plot plan), which he had referenced in his May 11th memo to the Board, needed to be addressed. After discussion by the Board, Weeman stated, “I make a motion that the Board waive 14.2.2.” White seconded. After further discussion by the Board, Weeman withdrew the motion. Dater said that other issues on his May 11th memo to be addressed were: (1) Are there any culverts or holding tanks on the property? Henderson said there were none. (2) Dater said there was no floodplain on the site plan. Kibbe said the floodplain is below everything. (3) Dater said that a storm water permit is not required. (4) Kibbe said that they currently have an arrangement with the Wallaces for the Wallaces to use their well and septic system. Weeman stated, “I make a motion that the Board accept the application of Frank Kibbe, Great Wings Marine, as complete, with a waiver of 14.2.2, and we’re discussing the addition of ten moorings.” White seconded. **Carried, 5-0.**

The Board reviewed the Site Plan Review Ordinance (SPRO) Section 15 (Approval Standards and Criteria) and notable points of the discussion follow: Dater again referenced his May 11th memo, page 2, item 5 regarding 15.16, 15.17, & 15.18-“Would the proposed addition of 10 new moorings increase the amount of gasoline, oils, solvents and the like passing through the marina to an extent that would trigger the need for new conformance measures with 15.16?” Kibbe presented the Board with a Docking/Mooring License Terms and Conditions form that he will be giving to his customers to sign. Dater asked the Board what kind of impact the proposed mooring increase would have on water quality. Kibbe said that he has 12 boats leaving, and 12 boats coming next fall, two of which may go on the proposed new moorings. He said that the business was not accepting the boats of any new customers who do their own work on their boats. Henderson wanted to know how the Town would enforce this. Kibbe said that they would be put at a disadvantage if Town regulations were to be imposed. Henderson said that clear guidelines needed to be established for those working on their own boats. Kibbe said that he hoped his business was “already there” in following the Best Management Practices. Nannen wanted to know who would supervise the customers while they worked on their own boats. Kibbe stated, “Relative to other boatyards, we are patrolling as well as anyone.” Papacosma asked Kibbe if the business had any catch basins. Kibbe said they did not, but there is a green buffer in place, and they also have a representative from the Maine Department of Agriculture

coming to assess the situation. Papacosma said the slope is pronounced and it's impervious, and water heads right to the ocean. He stated, "This is a bigger issue than ten additional moorings." Kibbe said that the effect of additional boats with additional moorings is completely controlled, that the business paints the boat bottoms, and that they have taken steps to involve Maine DEP professionals. He said that the monitoring of Orr's Cove is done by The Friends of Casco Bay. Nannen asked if Kibbe had the facilities to receive solid waste from the boats. Kibbe said they did and that they have a sewage proposal in with the DEP for a pump out station. Dater said, "That sounds quite sufficient."

Regarding 15.3- Nannen said he thought the number of cars would increase by about 10%. Nannen also said that it is difficult to see when exiting the marina property, especially in the winter when boats are lined up to the road on both sides of the exits. He stated, "Maybe an expanded lane or a turning spot could be added in the future." 15.7 - Weeman said there is parking already present on the property for one and a half cars per boat. 15.9 (Storm Water Management)- Dater mentioned review of green space. Kibbe said that the same issue had been raised in his previous application, and he had said they were looking to improve the buffers. Nannen asked Kibbe if they used a lot of salt, and Kibbe said they used very little. 15.17- Dater said that the applicant has provided a waste hauler certificate. 15.21- The Board has a letter of financial capability from Kibbe's bank. Henderson asked for public comment and there was none.

Henderson stated, "I make a motion that the Board finds that the application of Mr. Kibbe, Great Wings Marine, L.L.C., Tax Map 48-48, meets the submission requirements and conditions as set forth in Section 15 of the Site Plan Review Ordinance. And, the Board finds that there was an increase in the intensity of use, but the site is capable of sustaining it. And, with the following conditions: (1) that the applicant seek assistance from the Cumberland County Soil and Water Conservation District and that he follow the Best Management Practices in meeting the requirements of Site Plan Review Ordinance Sections 15.9, 15.10, and 15.14; (2) that the applicant maintain a contract with a hazardous waste hauler and that a copy be placed in his file at the Town Office. Weeman seconded. **Carried 5-0.**"

Town of Harpswell, Preliminary Discussion of Town Office Expansion, Tax Map 42-70-

Codes Enforcement Officer Douglas Webster presented the Town Office expansion proposal for discussion. He said the Town of Harpswell proposes to add 2800 square feet to the Town Office. It will be a two-story addition. He said that attempts have been made to lessen the impact on the wetlands and to keep buffers in place. He presented a map of the proposed project to the Board. He said there may need to be an increase in parking facilities, but the Town Office may not be open at the same time a meeting is being held, thus reducing the amount of parking needed. The Town would like to have the option to add more parking in the future. Woodlot Alternatives has identified the drainage ditch. The Maine Department of Environmental Protection (DEP) is debating as to whether or not the drainage ditches would be considered a wetland, and if so, what level of permitting would be required. The Town would then need to move the drainage field to accommodate the parking. The Town has made an effort to leave the buffers to Strawberry Creek in place, and has established the 250' setback from the wetland. Webster said the Town is respecting that setback, and hopes to potentially put a retention area in, just past the proposed new parking lot, for storm water overflow.

Webster said that the Resource Protection Zone is an issue, but the Shoreland Zoning Ordinance Other Uses Table says the Town Office can be expanded, and voters at a recent Town Meeting approved this part of the ordinance. Webster said he had talked with Richard Baker, of the DEP, who said that this area of Strawberry Creek doesn't have to be in the Resource Protection Zone. Dater asked if elevations were on the map. White stated, "It's one foot above the floodplain." Dater said, "That meets the Ordinance, then." Henderson said that page thirty of the Shoreland Zoning Ordinance table talks about governments and institutions. Henderson will obtain a report from the Maine Department of Inland Fisheries and Wildlife concerning all of the Harpswell wetlands. Dater stressed that the Subdivision Ordinance contains Section 9.10 regarding the impact on wetlands, not the Site Plan Review Ordinance (SPRO). CEO Webster will take care of the Town conforming to the external plumbing code requirements. Webster said that depending on the estimated water usage, several options are being considered regarding the septic system for the expanded Town Office. There may be a reserve tank to slowly release the material into the leech field so that it won't exceed the designated capacity.

Webster said that the Town could double the parking, and that there are several options available, including a parking lot at the transfer station, with a connecting walkway to the Town Office. Webster stated, "We started with what we knew we were going to need, and then continued with a vision as to where other parking spots would go." Weeman asked Webster if the Town had contacted the DEP concerning filling the ditch. Webster responded, "We have talked to the DEP licensing division and they will determine the tier we will use." Henderson asked what the capacity of the new meeting room would be, and Selectman David Chipman said the capacity would be approximately sixty people. White asked if the building would be handicap accessible, and Webster said there would be an elevator for second floor access. Papacosma asked Webster if the ditch was a natural drainage ditch. Webster said it had formed when fill was brought in at the time the present building was constructed, and the fill had channeled the water. Selectman George Swallow said the electrical equipment is going to come out of the basement, and that a holding tank for the sprinkler system might be placed in the basement. Webster stated, "We want the input of the Board's concerns so that we can put together an application that meets all of our needs." Nannen asked that the Town submit a parking plan for construction vehicles, and Webster said that they would.

The Planning Board discussed **Scheduling a Public Hearing for the Moratorium Ordinance on Campgrounds and Historical Sites, Buildings and Structures in the Shoreland Zoning Districts and on Site Plan approvals for the Same in or Within 500' of the Shoreland Zoning Districts.** White stated, "I make a motion that the Board set June 13, 2001, 7p.m. for the public hearing on the moratorium ordinance on campgrounds and changes to historical buildings at the Harpswell Islands School." Rogers seconded. **Carried, 4-1 (Toothaker-opposed).**

Richard Pfeffer, Wharf Approval, Resource Protection, Tax Map 56-2, Ben Island,

Harpswell- Beverly Wallace of Red Fish & Associates, representing Richard Pfeffer, presented the Pfeffer application. She said it's a proposed 6' by 26' residential wharf with a seasonal float and ramp. Henderson asked Dater if he thought the application was complete. Dater said that he had reviewed the application for completeness, and his only concern was whether or not heavy machinery would be brought back and forth on the road from the dock to the building site. Bev

said they are not applying for a road to the site. And, they have discussed the erosion problem with the applicant, who said he and the house contractor would be responsible. Ben Wallace said that it was a residential wharf for foot traffic only, that heavy equipment should not be within 100' of the dock. Henderson said that the Board is dealing with use of the wharf on the land, and that the Selectmen would deal with the water issues.

The Board reviewed the Shoreland Zoning Ordinance Section 13.1.6 (Special Exceptions). Dater said the whole island is Resource Protection. Henderson referenced the SZO Land Use Table, item 17, and said that it is the Planning Board's responsibility to review this. Weeman said, regarding, SZO 13.1.6.4, "My only concern is that this becomes part of the 1,500sq. ft. limit." Papacosma asked if the square footage applies only to the structures on land, not the float, and said that the Codes Enforcement Officer may have to enforce the 1,500 square footage issue. Dater said the Planning Board had previously approved the lots on the island. He said there seems to be no reason not to grant the 13.1.6 special exceptions. Weeman stated, "I move that this is a complete application." Nannen seconded. **Carried, 5-0.**

The Board reviewed the SZO Sections, 15.1, 15.2, 15.3 and notable points of discussion follow: 15.2.1.2- Weeman said the Board needs to look at the Resource Protection (RP) issues to see if the application agrees with them; 15.3-Nannen asked Selectmen Chipman and Swallow, "This wharf is in Resource Protection, and there are approval standards in the Shoreland Zoning Ordinance here, where is the division of responsibility?" Selectman Swallow said that the ramp and float, anything in the water, is reviewed by the selectmen. The Planning Board determines the impact on the land; 15.10 (Storm Water Runoff)- Henderson asked Bev Wallace if they had a design to show this, and Bev said it was addressed in attachment #7. She said there's a spacing between the boards to allow for run off and the circulation of air to preserve the wharf; 15.15.1- Dater said the applicant has "a minimum of 10 feet", but it should read "a maximum of 10 feet". Weeman stated, "I would move that the Board approve this application of Richard Pfeffer for a wharf, as presented, for Tax Map 56-2, on Ben Island." Toothaker seconded. **Carried, 5-0.**

Milton and Shirley Paul, Subdivision Review/Modification, Shoreland Residential, Tax Map 57-29, Long Island-South- Attorney Chris Livesay presented this application. They are seeking Planning Board approval (an amendment) of the division of lot #8 of the Long Island-South Subdivision. The Pauls own lot #8, which is comprised of five acres. The Long Island-South Subdivision was approved in 1976. They Pauls would like to divide lot #8, and sell one half to the Armstrongs, owners of lot #331 to the south of lot #8, and one half to Michael Sheehan and Denise Saldana, owners of lot #27 to the north. The intensity of use will not increase. There would then be a total of eleven lots in the subdivision.

Weeman said the Board needs letters of representation from the Pauls and Attorney Livesay, and Livesay said he would see that they were provided to the Board. Henderson asked the Board if they would be allowing an increase in use if they approved the application. Weeman said a provision in the subdivision covenants allows a certain amount of parking. Livesay stated, "If you divide an existing lot, you only transfer parking rights to the owner/owners of one property." Dater asked if the pier would be shared. Livesay said Michael Sheehan and Denise Saldana will use their own pier. The covenants include information about access to a parking area on the mainland. Dater said a lot can only be changed by a re-subdivision and that's why the applicants

are here before the Board. Weeman stated, "We only allow one structure on a lot. So, there is to be no more residences on the divided lot #8." Livesay presented the Board with a copy of the 1976 Site Plan of the subdivision that is registered in The Cumberland County Registry of Deeds. There is a reference on the new map of the proposed subdivision to the Site Plan of 1976.

Henderson opened the public hearing for this application and asked for public comment. Leo Blair, of Envision Realty, L.L.C., asked, "Are there any high or moderate value wetlands next to this subdivision?" Henderson said that he did not know, but that the Board would find out. Dater said the Codes Enforcement Officer would pick up the Resource Protection as part of the Shoreland Zoning Ordinance, but the wetlands issue is the responsibility of the Planning Board because this is a subdivision. Henderson will obtain the information and maps from the IF&W.

Weeman stated, "I would move that the Board give s preliminary approval to the amendment to the subdivision lot eight, Long Island-South, Harpswell, Maine Tax Map 57-29, with the conditions that agent's authorization letters from the Pauls be added to the record, and that the specifications of the accessory structure on lot eight conform to 9.4.1 of the Subdivision Ordinance, and that it be placed as a note on the subdivision plan, and that the determination as to whether or not there are high or moderate value wetlands, as determined by the Inland Fisheries and Wildlife Department, abutting the effected lots of the subdivision." White seconded. **Carried, 5-0.** Attorney Livesay will return to the Planning Board meeting on June 20, 2001 to provide the letters to the Board, and to answer any other questions they may have.

The Board discussed updating the Planning Board's by-laws. Henderson asked the other members to e-mail him with their suggestions. White motioned to adjourn. Henderson seconded. **Carried, 5-0.** The meeting adjourned at 10:05pm.

Respectfully submitted,

Debora A. Levensailor
Harpswell Planning Assistant